

Restriction Requirement

The Examiner has rejected our previous response (dated Feb. 26, 1999) to the restriction requirement.

In response, the applicants hereby elect to prosecute claims 21-53. Claims 1-20 are withdrawn from consideration, without prejudice.

Rejections

The Examiner has cited, as the basis for rejecting claims 21-23, 40-45 under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Bai et al. (U.S. 5,714,418, issued February 3, 1998). Furthermore, the Examiner has rejected claims 24-39 and 46-53 under 35 U.S.C. § 103(a) as being unpatentable over Bai et al. in combination with Ho et al. (U.S. 5,175,126, issued Dec. 29, 1992), Hower et al. (U.S. 5,712,193, issued Jan. 27, 1998) and Fu et al. (U.S. 5,685,960, issued Nov. 11, 1997) and Dixit et al. (U.S. 4,960,732, issued Oct. 2, 1990).

In response, the applicants submit that they conceived of and reduced to practice the claimed invention on or before November 8, 1995, the filing date of Bai et al. In support of this submission, the applicants enclose a declaration under 37 C.F.R. 1.131 that has been executed by the available inventors, Jennifer Tseng, Roderick C. Mosely and Karl Littau, that declare a conception and reduction to practice date for the invention claimed in the above-identified patent application to be on or before November 8, 1995. In view of this declaration, the applicants respectfully request that the rejection be withdrawn.

As stated in MPEP 715.04, a declaration filed under rule 37 CFR 1.131 requires the signature of each of the joint inventors unless it is shown that an inventor or inventors were "otherwise unavailable". In that instance, the signatures of the available inventors is sufficient. Inventors Marvin Liao, Chyi S. Chern,

Michal Danek and Ivo Raaijmakers are unavailable to execute the enclosed declaration. Mr. Liao and Mr. Chern are presently working at another company in Singapore; Mr. Danek is presently employed at a competitor corporation of the assignee; and Mr. Raaijmakers is presently working in Arizona. The available inventors, Jennifer Tseng, Roderick Mosely, and Karl Littau, have executed the enclosed declaration to fulfill the requirements of MPEP 715.04. As such, the applicants respectfully request that this declaration be entered and judged effective at swearing behind the Bai et al. patent.

MPEP 715.02 states that "[a]pplicant may overcome a 35 U.S.C. 103 rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references; applicant need not antedate the reference with the earliest filing date."

In view of the declaration under 37 C.F.R. 1.131, that "swears behind" the filing date of Bai et al., the applicants respectfully request that the rejection of claims 21-53, based upon Bai et al. alone, or in combination with Ho et al., Hower et al., Fu et al. or Dixit et al., be withdrawn. Since neither Ho et al., Hower et al., Fu et al. nor Dixit et al. is used alone as a basis for any rejections, it is not necessary for the applicants to swear behind any of these other references.

The applicants submit that claims 21-53, as they now stand, fully satisfy the requirements of 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) and are patentable thereunder.

Conclusion

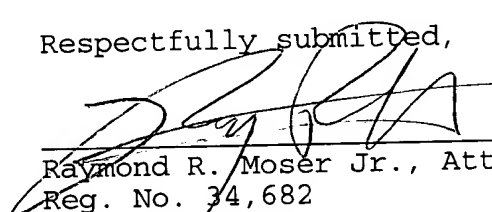
Thus, the applicants submit that none of the claims, presently in the application, is anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Consequently, the applicants believe that all these claims

are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Raymond R. Moser Jr., Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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